

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 60 OF 2007

Smt. Anusayabai P. Tidke and ors. ..Petitioners.

Vs.

The State of Maharashtra and ors. ..Respondents.

Mr.V.Z. Kankaria for the Petitioners.

Mr.C.R.Sonawane, AGP. for the Respondents.

**CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 16th April, 2007**

P.C.

1. Heard.

2. The declaration under Section-8(4) of the Urban Land Ceiling Act was passed on the basis of false and bogus record. The report of Dy. Collector & Competent Authority shows that the birth dates of Bharat Pundalik Tidke, Balasaheb P. Tidke and Ramesh P.Tidke were originally 7.8.1975, 25.10.1978, 11.7.1978 and Shri.Vishram Pundalik Tidke and Ashok P. Tidke are not alive. Even the father of Pundalik had expired on 23.1.1989 on the basis of this report. It has been found by the Chief Minister that on the basis of the bogus age certificates and by showing permissible shares in the name of the non existing persons, declaration under Section-8(4) of the Act was obtained and,

therefore, order under Section-8(4) was set aside and the Collector was directed to make a fresh declaration on the basis of the modified policy of the Government. The learned counsel was called upon by this court to demonstrate that the report and specially the birth dates of the alleged persons are incorrect. On the contrary, he tried to point out the report in respect of the area consumed and utilised. That is not necessary to be looked into at this stage because if the basic declaration under Section-8(4) is bad that will not protect the incorrect utilization of the area which is used by the holder of the land. The land holder had shown false and bogus record and tried to save the land. The saved land is being used for some other purpose. Thus, it is an attempt to perpetuate the fraud as against the Government authorities. We therefore, refrain to entertain the petition. Petition is therefore, rejected.

(R.S. MOHITE, J.)

(S.B. MHASE, J.)